

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DIESEL S.P.A.,

Plaintiff

v.

AAABAG01, ABACKPACK, ADAM_BAG,
ADASGHHH, AI2019, AIMEIHUI5, AJOFFIC,
ALL_TOP_BAGS, ALLNIGHTDD, ALVAREZ,
AMAZING_BAGS, AMYS_STORE168, ARSALAN,
ATHL_SHOES798, BAG_07, BAG_LADY,
BAG_WALLET97, BAG027, BAG099, BAG1007,
BAG2002, BAGBAG026, BAGGLOBALREACH,
BAGS_PARIS01, BAGS1313, BAGS16882024,
BAGSBESTCHOICE, BALENCIAGAG, BANKUAI,
BARKER, BEACH_BAG, BEBEBUS, BEIBEIBAO,
BELLAFASHIONSTORE,
BEST_SHIPPING_STORE, BGYTHH, BIONDINI,
BKPCSSB, BLACK_FER_CLOTHING, BLISSBAG,
BLISSFUL_BOUTIQUE, BLUEMING147,
BLUEWINDOW, BM7XI, BODEBAGS22,
BOGG_BAG, BOOKBAGS, BOOST_500_SPLY,
BOTTEGA_BAG, BOUTIQUE168SHOE,
BOUTIQUEBAGS SHOP,

**CIVIL ACTION NO.
24-cv-6165 (AT)**

**FINAL DEFAULT JUDGMENT
AND PERMANENT
INJUNCTION ORDER**

BRAND_CHEAP_SHOES,
BRAND_SHOES_STORE09, BRANDBAG25,
BRANDBAGCLOTHING,
BRANDEDFACTORY888, BUBUGAOSHENG158,
BUMBAGS, BURBERRY, BUSINESSFACTORY,
CAIBAGS, CAITLYNE, CATCHYCOLLECTION,
CELINEE_BAGS, CENERE, CESH16689, CF88888,
CG9999, CHAIN_BAG001, CHANGJIANG2017,
CHEAP08, CHENLIMEI2, CHENLIMEI5,
CHEST_BAG, CHINA_BESTBABYS,
CHINESE66_SHOES, CHLOEE_BAG,
CLASSIC_DESIGN_BAGS, COACHBAG88,
COEND2021, COPYLUXURY, COUNTRY,
CROSSBODYBAG1, DABAO133, DAINTY128,
DAMAISTORE, DAPPER_SNEDKERS,
DAVID_LITTLE_SHOP, DBENGBAGS33,
DESIGNER_BAG_55, DESIGNER_BAG1699 and
DESIGNER_BAG1776,




Defendants

GLOSSARY

<u>Term</u>	<u>Definition</u>	<u>Docket Entry Number</u>
Plaintiff or Diesel	Diesel S.p.A.	N/A
Defendants	aaabag01, abackpack, adam_bag, adasghhh, ai2019, aimeihui5, ajoffic, all_top_bags, allnightdd, Alvarez, amazing_bags, amys_store168, Arsalan, athl_shoes798, bag_07, bag_lady, bag_wallet97, bag027, bag099, bag1007, bag2002, bagbag026, bagglobalreach, bags_paris01, bags1313, bags16882024, bagsbestchoice, balenciagag, bankuai, barker, beach_bag, bebebus, beibeibao, bellafashionstore, best_shipping_store, bgythh, Biondini, bkpcssb, black_fer_clothing, blissbag, blissful_boutique, blueming147, bluewindow, bm7xi, bodebags22, bogg_bag, bookbags, boost_500_sply, bottega_bag, boutique168shoe, boutiquebags_shop, brand_cheap_shoes, brand_shoes_store09, brandbag25, brandbagclothing, brandedfactory888, bubugaosheng158, bumbags, burberry, businessfactory, caibags, caitlyne, catchycollection, celinee_bags, cenere, ceshi6689, cf88888, cg9999, chain_bag001, changjiang2017, cheap08, chenlimei2, chenlimei5, chest_bag, china_bestbabys, chinese66_shoes, chloee_bag, classic_design_bags, coachbag88, coend2021, copyluxury, country, crossbodybag1, dabao133, dainty128, damaistore, dapper_snedkers, david_little_shop, dbenghbags33, designer_bag_55, designer_bag1699 and designer_bag1776	N/A
Defaulting Defendants	aaabag01, abackpack, adasghhh, ai2019, aimeihui5, ajoffic, all_top_bags, allnightdd, alvarez, amazing_bags, arsalan, athl_shoes798, bag_07, bag_lady, bag027, bag099, bag1007, bag2002, bagbag026, bagglobalreach, bags_paris01, bags16882024, bagsbestchoice, balenciagag, bankuai, barker, beach_bag, bebebus, beibeibao, bellafashionstore, best_shipping_store, bgythh, biondini, bkpcssb, black_fer_clothing, blissbag, blissful_boutique, blueming147, bluewindow, bm7xi, bodebags22, bogg_bag, boost_500_sply, bottega_bag, boutique168shoe, boutiquebags_shop, brand_cheap_shoes, brand_shoes_store09, brandbag25, brandbagclothing, bubugaosheng158, bumbags, burberry, businessfactory, caibags, caitlyne,	N/A

	catchycollection, cenere, ceshi6689, cf88888, cg9999, chain_bag001, changjiang2017, cheap08, chenlimei2, chenlimei5, chest_bag, china_bestbabys, chinese66_shoes, chloee_bag, classic_design_bags, coachbag88, coend2021, copyluxury, countryy, crossbodybag1, dabao133, dainty128, damaistore, dapper_snedkers, david_little_shop, dbenghbags33, designer bag 55 and designer bag1699	
DHgate	Dunhuang Group d/b/a DHgate.com, an online marketplace and e-commerce platform which allows manufacturers, wholesalers and other third-party merchants, like Defendants, to advertise, distribute, offer for sale, sell and ship their wholesale and retail products originating from China directly to consumers worldwide and specifically to consumers residing in the U.S., including New York	N/A
Sealing Order	Order to Seal File entered on August 8, 2024	1
Complaint	Plaintiff's Complaint filed on August 14, 2024	8
Application	Plaintiff's <i>ex parte</i> Application for: 1) a temporary restraining order; 2) an order restraining Merchant Storefronts (as defined <i>infra</i>) and Defendants' Assets (as defined <i>infra</i>) with the Financial Institutions (as defined <i>infra</i>); 3) an order to show cause why a preliminary injunction should not issue; 4) an order authorizing bifurcated and alternative service and 5) an order authorizing expedited discovery filed on August 14, 2024	13-16
Iesurum Dec.	Declaration of Stefano Iesurum in Support of Plaintiff's Application	16
Nastasi Dec.	Declaration of Gabriela N. Nastasi in Support of Plaintiff's Application	15
TRO	1) Temporary Restraining Order; 2) Order Restraining Merchant Storefronts and Defendants' Assets with the Financial Institutions; 3) Order to Show Cause Why a Preliminary Injunction Should Not Issue; 4) Order Authorizing Bifurcated and Alternative Service; and 5) Order Authorizing Expedited Discovery entered on August 21, 2024	18
PI Show Cause Hearing	September 4, 2024 hearing to show cause why a preliminary injunction should not issue	N/A
PI Order	September 17, 2024 Preliminary Injunction Order	17
Diesel Products	Fashion apparel products, including but not limited to high-quality jeans, apparel and accessories for women, men and children created by Diesel	N/A

Diesel Marks	<p>U.S. Trademark Registration Nos.: 1,498,698 for “DIESEL” for a variety of goods in Class 25; 1,564,710 for “DIESEL” for a variety of goods in Class 25; 1,989,390 for “DIESEL” for a variety of goods in Classes 3, 9, 14, 18, 24 and 25; 3,063,829 for “DIESEL FARM” for a variety of goods in Classes 29 and 33; 3,524,221 for “DIESEL” for a variety of goods in Classes 11, 20 and 21; 3,956,724 for “DIESEL BLACK GOLD” for a variety of goods in Classes 18 and 25; 4,268,431 for “DIESEL” for a variety of goods in Class 35; 4,835,318 for “DIESEL BAD” for a variety of goods in Class 3; 5,812,708 for “DIESEL SPIRIT OF THE BRAVE” for a variety of goods in Class 3; 5,899,446 for “DIESEL” for a variety of goods in Class 9; 6,313,073 for “DIESEL SOUND OF THE BRAVE” for a variety of goods in Class 3; 6,891,537 for “DIESEL LIBRARY” for a variety of goods in Classes 18 and 25; 6,891,563 for “DIESEL” for a variety of goods in Class 10; 7,257,006 for “DIESEL” for a variety of goods in Class 32; 7,369,396 for “DIESEL” for a variety of goods in Classes 9, 35, 36, 41 and 42; 1,605,656 for</p> <div data-bbox="643 978 756 1094" data-label="Image"> </div> <p>for a variety of goods in Class 25;</p> <div data-bbox="760 1129 881 1255" data-label="Image"> </div> <p>1,939,141 for for a variety of goods in Classes 3, 9, 14, 18, 24 and 25; 2,376,399 for</p> <div data-bbox="581 1318 743 1381" data-label="Image"> </div> <p>for a variety of goods in Classes 14,</p> <div data-bbox="894 1398 1040 1461" data-label="Image"> </div> <p>18 and 25; 3,225,322 for for a variety of goods in Classes 3, 9, 14, 18 and 25; 5,363,096 for</p> <div data-bbox="548 1503 654 1703" data-label="Image"> </div> <p>for a variety of goods in Class 3; 5,653,098 for</p> <div data-bbox="548 1717 760 1833" data-label="Image"> </div> <p>for a variety of goods in Class 25;</p>	<p>N/A</p>
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	 <p>5,701,776 for  for a variety of goods in Class 3; 6,733,921 for DIESEL for a variety of goods in Class 25; and 6,891,565 for  for a variety of goods in Class 3</p>	
Counterfeit Products	Products bearing or used in connection with the Diesel Marks, and/or products in packaging and/or containing labels bearing the Diesel Marks, and/or bearing or used in connection with marks that are confusingly similar to the Diesel Marks and/or products that are identical or confusingly similar to the Diesel Products	N/A
Infringing Listings	Defendants' listings for Counterfeit Products	N/A
User Accounts	Any and all websites and any and all accounts with online marketplace platforms such as DHgate, as well as any and all as yet undiscovered accounts with additional online marketplace platforms held by or associated with Defendants, their respective officers, employees, agents, servants and all persons in active concert or participation with any of them	N/A
Merchant Storefronts	Any and all User Accounts through which Defendants, their respective officers, employees, agents, servants and all persons in active concert or participation with any of them operate storefronts to manufacture, import, export, advertise, market, promote, distribute, display, offer for sale, sell and/or otherwise deal in Counterfeit Products, which are held by or associated with Defendants, their respective officers, employees, agents, servants and all persons in active concert or participation with any of them	N/A
Defendants' Assets	Any and all money, securities or other property or assets of Defendants (whether said assets are located in the U.S. or abroad)	N/A
Defendants' Financial Accounts	Any and all financial accounts associated with or utilized by any Defendants or any Defendants' User Accounts or Merchant Storefront(s) (whether said account is located in the U.S. or abroad)	N/A
Financial Institutions	PayPal Inc. ("PayPal"), Payoneer Inc. ("Payoneer"), DHgate (e.g., DHpay.com), PingPong Global Solutions, Inc. ("PingPong") and Airwallex (Hong Kong) Limited ("Airwallex")	N/A

Third Party Service Providers	Online marketplace platforms, including, without limitation, DHgate, as well as any and all as yet undiscovered online marketplace platforms and/or entities through which Defendants, their respective officers, employees, agents, servants and all persons in active concert or participation with any of them manufacture, import, export, advertise, market, promote, distribute, make, use, offer for sale, sell and/or otherwise deal in Counterfeit Products which are hereinafter identified as a result of any order entered in this action, or otherwise	N/A
Defendants' Frozen Accounts	Defendants' Financial Accounts that were and/or are attached and frozen or restrained by the Financial Institutions pursuant to the TRO and/or PI Order, or which are attached and frozen or restrained pursuant to any future order entered by the Court in this action	N/A
Plaintiff's Motion for Default Judgment	Plaintiff's Application for an Order to Show Cause Why Default Judgment and a Permanent Injunction should not be entered Against Defaulting Defendants filed on February 5, 2025	TBD
Nastasi Aff.	Affidavit by Gabriela N. Nastasi in Support of Plaintiff's Motion for Default Judgment	TBD
Iesurum Aff.	Affidavit by Stefano Iesurum in Support of Plaintiff's Motion for Default Judgment	TBD

This matter comes before the Court by motion filed by Plaintiff for the entry of final judgment and permanent injunction by default against Defaulting Defendants for Defaulting Defendants' trademark infringement, trademark counterfeiting, false designation of origin, passing off and unfair competition and related state and common law claims arising out of Defaulting Defendants' unauthorized use of Plaintiff's Diesel Marks without limitation, in their manufacturing, importing, exporting, advertising, marketing, promoting, distributing, displaying or offering for sale and/or selling and/or sale of Counterfeit Products.¹

The Court, having considered the Memorandum of Law and Affidavits of Gabriela N. Nastasi and Stefano Iesurum in support of Plaintiff's Motion for Default Judgment and a Permanent Injunction Against Defaulting Defendant, the Certificate of Service of the Summons and Complaint, the Certificate of the Clerk of the Court stating that no answer has been filed in the instant action, and upon all other pleadings and papers on file in this action, it is hereby ORDERED, ADJUDGED AND DECREED as follows:

I. Defaulting Defendants' Liability

- 1) Judgment is granted in favor of Plaintiff on all claims properly pled against Defaulting Defendants in the Complaint;

II. Damages Awards

- 1) IT IS FURTHER ORDERED, ADJUDGED AND DECREED that because it would serve both the compensatory and punitive purposes of the Lanham Act's prohibitions on willful infringement, and because Plaintiff has sufficiently set forth the basis for the statutory damages award requested in its Motion for Default Judgment, the Court finds such an award to be reasonable and Plaintiff is awarded Seventy Five Thousand Dollars (\$75,000.00) in statutory

¹ Where a defined term is referenced herein and not defined herein, the defined term should be understood as it is defined in the Glossary.

damages against each of the eighty-four (84) Defaulting Defendants (“Defaulting Defendants’ Individual Damages Award”) pursuant to Section 15 U.S.C. § 1117(c) of the Lanham Act, plus post-judgment interest.

III. Permanent Injunction

- 1) IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that Defaulting Defendants, their respective officers, agents, servants, employees and all persons acting in concert with or under the direction of Defaulting Defendants (regardless of whether located in the United States or abroad), who receive actual notice of this Order are permanently enjoined and restrained from
 - A. manufacturing, importing, exporting, advertising, marketing, promoting, distributing, displaying, offering for sale, selling and/or otherwise dealing in Counterfeit Products or any other products bearing the Diesel Marks and/or marks that are confusingly similar to, identical to and constitute a counterfeiting and/or infringement of the Diesel Marks;
 - B. directly or indirectly infringing in any manner Plaintiff’s Diesel Marks;
 - C. using any reproduction, counterfeit, copy or colorable imitation of Plaintiff’s Diesel Marks to identify any goods or services not authorized by Plaintiff;
 - D. using Plaintiff’s Diesel Marks, or any other marks that are confusingly similar to the Diesel Marks on or in connection with the manufacturing, importing, exporting, advertising, marketing, promoting, distributing, displaying, offering for sale, selling and/or otherwise dealing in the Counterfeit Products;

- E. using any false designation of origin or false description, or engaging in any action which is likely to cause confusion, cause mistake and/or to deceive members of the trade and/or the public as to the affiliation, connection or association of any product manufactured, imported, exported, advertised, marketed, promoted, distributed, displayed, offered for sale or sold by Defaulting Defendants with Plaintiff, and/or as to the origin, sponsorship or approval of any product manufactured, imported, exported, advertised, marketed, promoted, distributed, displayed, offered for sale or sold by Defaulting Defendants and Defaulting Defendants' commercial activities by Plaintiff;
- F. secreting, concealing, destroying, altering, selling off, transferring or otherwise disposing of and/or dealing with: (i) Counterfeit Products; (ii) any computer files, data, business records, documents or any other records or evidence relating to their User Accounts, Merchant Storefronts or Defaulting Defendants' Assets and the manufacture, importation, exportation, advertising, marketing, promotion, distribution, display, offering for sale and/or sale of Counterfeit Products; and
- G. effecting assignments or transfers, forming new entities or associations, or creating and/or utilizing any other platform, User Accounts, Merchant Storefronts or any other means of importation, exportation, advertising, marketing, promotion, distribution, display, offering for sale and/or sale of Counterfeit Products for the purposes of circumventing or otherwise avoiding the prohibitions set forth in this Order.
- 2) IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defaulting Defendants must deliver up for destruction to Plaintiff any and all Counterfeit Products and any and all packaging, labels, tags, advertising and promotional materials and any other materials in the possession, custody or control of Defaulting Defendants that infringe any of Plaintiff's

trademarks or other rights including, without limitation, the Diesel Marks, or bear any marks that are confusingly similar to the Diesel Marks pursuant to 15 U.S.C. § 1118;

- 3) IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defaulting Defendants and all persons in active concert and participation with them who receive actual notice of this Order, including Third Party Service Providers and Financial Institutions who satisfy those requirements and are identified in this Order are hereby restrained and enjoined from engaging in any of the following acts or omissions:

A. secreting, concealing, transferring, disposing of, withdrawing, encumbering or paying Defaulting Defendants' Assets from or to Defendants' Financial Accounts.

- 4) IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defaulting Defendants and all persons in active concert and participation with them who receive actual notice of this Order, including Third Party Service Providers who satisfy those requirements and are identified in this Order, are restrained and enjoined from instructing, aiding, or abetting Defaulting Defendants and/or any other person or business entity in engaging in any of the activities referred to in subparagraphs III(1)(A) above through III(1)(G) above.

IV. Dissolution of Rule 62(a) Stay

- 1) IT IS FURTHER ORDERED, as sufficient cause has been shown, the 30 day automatic stay on enforcing Plaintiff's judgment, pursuant to Fed. R. Civ. Pro. 62(a) is hereby dissolved.

V. Miscellaneous Relief

- 1) Any failure by Defaulting Defendants to comply with the terms of this Order shall be deemed contempt of Court, subjecting Defaulting Defendants to contempt remedies to be determined by the Court, including fines and seizure of property;
- 2) The Court releases the Five Thousand U.S. Dollar (\$5,000.00) security bond that Plaintiff submitted in connection with this action to counsel for Plaintiff, Epstein Drangel, LLP, 60 East 42nd Street, Suite 1250, New York, NY 10165; and
- 3) This Court shall retain jurisdiction over this matter and the parties in order to construe and enforce this Order.

SO ORDERED.

SIGNED this 17 day of March, 2025



HON. ANALISA TORRES
UNITED STATES DISTRICT JUDGE